

UNITED STATES DISTRICT COURT
District of Maine

ROBERT W. MCKENNEY,
Plaintiff

V.

KEVIN JOYCE, NALDO GAGNON, and
WILLIAM BRADY,
Defendants

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) Docket No. 2:19-cv-00118-GZS
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ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS

NOW COME Defendants, Kevin Joyce, Naldo Gagnon, and William Brady, by and through undersigned counsel, and hereby respond to the allegations contained in Plaintiff's Complaint as follows:

AFFIRMATIVE DEFENSES

- A. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted.
- B. Plaintiff has not suffered any compensable damages resulting from the claims alleged in Plaintiff's Complaint.
- C. Plaintiff's damages, if any, were directly and proximately caused by the acts and/or omissions of an individual and/or entity other than these Defendants.
- D. Plaintiff's damages, if any, were directly and proximately caused by a legally sufficient superseding/intervening cause.
- E. Plaintiff has failed to mitigate his damages as required by law.
- F. The Defendants are entitled to immunity, including all immunities available under the

Maine Tort Claims Act and qualified immunity.

G. Plaintiff's claims are barred by provisions of the Prison Litigation Reform Act, including but not limited to 42 U.S.C. § 1997e(a) and/or 42 U.S.C. § 1997e(e).

ANSWER

1. The Defendants deny each and every averment set forth in Plaintiff's Complaint.¹

WHEREFORE, Defendants pray for judgment in their favor against Plaintiff plus costs, interest, and attorneys fees.

Dated: December 23, 2019

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.

/s/ Cassandra S. Shaffer
Cassandra S. Shaffer, Esq.

Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901

¹In that Plaintiff's Complaint does not contain numbered paragraphs, Defendants can only provide a general denial.

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I, Peter T. Marchesi, Esq., attorney for Defendants, hereby certify that:

- Answer and Affirmative Defenses of Defendants

has/have been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

None

Copies of the above documents have been provided to the Plaintiff via United States Mail, postage prepaid, at the following address:

Robert McKenney
17 Shin Pond Road
Patten, ME 04765

Dated: December 23, 2019

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.
Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901